

Message Text

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ORIGIN AF-10

INFO OCT-01 ISO-00 HA-05 VO-05 CA-01 L-03 SP-02 INR-10
EUR-12 IO-13 SSO-00 INRE-00 /062 R

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APPROVED BY AF/S:LMACFARLANE
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A/ORM -LARTHUR
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-----000016 251933Z /41

O R 251853Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY MBABANE IMMEDIATE
INFO AMEMBASSY GABORONE
AMEMBASSY MAPUTO
USMISSION GENEVA

C O N F I D E N T I A L STATE 077901

STADIS//////////

E.O. 11652: GDS

TAGS: SREF, SHUM, WZ, MZ

SUBJECT: MOZAMBICAN REFUGEES DETAINED IN SWAZILAND

REF: (A) MBABANE A-6 OF FEB. 23, 1978 (NOTAL);
(B) MBABANE 445 (NOTAL); (C) MBABANE 69I (NOTAL)

I. DEPARTMENT HAS RECEIVED REF (A) REQUESTING ADVISORY
OPINION ON THE POSSIBILITY OF ADMITTING TO US AS REFUGEES
SEVEN PERSONS WHO FLED MOZAMBIQUE AND ARE CURRENTLY BEING
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DETAINED IN SWAZILAND. ASSUME SEVEN ARE AMONG FOURTEEN
MOZAMBICAN REFUGEES OF PORTUGUESE DESCENT REF (B) REPORTED
WERE LIKELY TO REMAIN "INDEFINITELY" IN SWAZI PRISONS
BARRING ACCEPTANCE BY THIRD COUNTRY.

2. DEPARTMENT IS WILLING TO CONSIDER, BUT ONLY AS
LAST RESORT, THE POSSIBILITY OF PAROLING REFUGEES INTO US

UNDER SECTION 212(D)(5) OF INA IF EMERGENCY HUMANITARIAN GROUNDS CAN BE ESTABLISHED. HOWEVER, WE ARE RELUCTANT TO DO SO BEFORE EXHAUSTING POSSIBILITY OF REFUGE IN COUNTRY OF FIRST ASYLUM. IN ADDITION, REQUEST CONTAINS DISTURBING IMPLICATIONS CONCERNING GOS POLICIES TOWARD REFUGEES, DETENTION AND RESPECT FOR HUMAN RIGHTS.

3. SWAZIS HAVE EXPRESSED INTEREST IN POTENTIAL US

FUNDING FOR RESETTLEMENT OF REFUGEES, BUT TO DATE THEIR OWN COMMITMENT IN THIS AREA HAS NOT BEEN SUFFICIENTLY CLEAR TO WARRANT THIS. GOS POLICY TOWARD REFUGEES HAS APPEARED TO BE ONE MOST CHARITABLY DESCRIBED AS BENIGN NEGLECT, ALTHOUGH DEPARTMENT'S HUMAN RIGHTS REPORT CAREFULLY NOTED RECENT INDICATIONS OF IMPROVEMENT. SIMILARLY, REPORT CRITICIZED GOS FOR USE OF DETENTION WITHOUT CHARGE, BUT EMBASSY HAS SUBSEQUENTLY REPORTED SIGNS OF IMPROVEMENT INCLUDING RELEASE OF POLITICAL PRISONERS AND POSSIBLE MOVES TO LIBERALIZE DETENTION LAWS. THE IMPRESSION OF SERIOUS GOS INTEREST IN IMPROVING HUMAN RIGHTS RECORD GENERATED BY THESE MOVES WOULD BE JEOPARDIZED BY EVIDENCE THAT IT INCARCERATES INDEFINITELY REFUGEES FROM MOZAMBIQUE OF PORTUGUESE OR ANY OTHER DESCENT WHOM IT DOES NOT CHARGE WITH COMMITTING NON-POLITICAL CRIMES. IN ADDITION, THIS WOULD CONTRADICT ASSURANCES GIVEN TO DEPARTMENT BY SWAZI AMBASSADOR THAT

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PRIOR TO RECENT RELEASES A TOTAL OF NO MORE THAN FOUR PERSONS WERE BEING HELD IN DETENTION.

4. IT IS UNCLEAR WHY GOS IS IMPRISONING THESE REFUGEES AND WHY IT WOULD NOT BE WILLING TO CONSIDER RESETTLEMENT WITHIN SWAZILAND OR AT LEAST RELEASE FROM PRISON PENDING ADMISSION INTO SOME THIRD COUNTRY. WE NOTE PREDICTION REFUGEES LIKELY TO REMAIN IN PRISON INDEFINITELY UNLESS ADMITTED TO US IS THAT OF UNHCR REP, NOT GOS. IN VIEW OF SWAZIS' APPARENT WILLINGNESS TO LISTEN TO RECENT US ADVICE REGARDING DETENTION AND OTHER HUMAN RIGHTS CONCERNS SO LONG AS PRESENTED QUIETLY WITH EYE TOWARD HEADING OFF LESS FRIENDLY CRITICISM, BELIEVE YOU SHOULD APPROACH GOS FOR EXPLANATION OF ITS POSITION, STRESSING POTENTIAL FOR MISUNDERSTANDING.

5. BEFORE FURTHER CONSIDERATION CAN BE GIVEN TO POSSIBLE REQUEST TO INS FOR INDIVIDUAL HUMANITARIAN PAROLE, DEPT. WOULD APPRECIATE (A) ANY ADDITIONAL INFORMATION AVAILABLE ON SPECIFICS OF SEVEN CASES INCLUDING POTENTIAL IV ELIGIBILITY, US RELATIVES, ETC.; (B) CLARIFICATION OF WHETHER UNHCR PREPARED TO MANDATE

HEM OFFICIALLY AS REFUGEES; EMBASSY'S OWN ASSESSMENT
OF SIUAION OF MOZAMBIANREFUGEES IN SWAZILAND AND
LIKELIHOOD GOS MIGHT AGREE TO RELEASE AND RESETTLEMENT;
AND (D)EFFORTS UNHCR HAS MADEFOR THEIR RESETTLEMENT
IN ANOTHER THIRD COUNTRY, INCLUDING PORTUGAL.

6. REQUEST FUTURE TRAFFIC ON THIS SUBJECT BE SENT BY
CABLE WITH INFO GENEVA. VANCE

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NNN

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